

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GONZALO CORTES,

Plaintiff,

14-CV-3014-SLT-RML

-against-

DEFENDANTS' LOCAL CIVIL RULE
56.1 STATEMENT OF UNDISPUTED
FACTS

THE CITY OF NEW YORK, ET AL.,

Defendants.

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Defendants, The City of New York, Jon-Kris Rzonca, Matthew Smith, Christopher Musa, Dominic Ruggiero, Shaun Ryan, John Cestaro, Andrew Schulz, Stephen Daly, Mario Cappuccia and Peter Rodeschin respectfully submit this statement pursuant to Rule 56.1 of the Local Civil Rules of the United States District Court for the Southern District of New York, setting forth the material facts to which they contend there is no genuine issue to be tried.

1. Plaintiff was arrested on July 1, 2013 at approximately 3:40 a.m. (Exhibit A, Arrest Report of Plaintiff)
2. Plaintiff was transported to the 115th Precinct where he arrived at approximately 4:00 a.m. (Exhibit B, Command Log Excerpt)
3. While he was in the precinct, plaintiff asked officers to take him to the bathroom. (Plaintiff's Dep., 110:10-15)
4. An officer brought plaintiff towards the cells where the bathrooms were located. (115:6-11);
5. This officer, without provocation, shoved plaintiff into a wall, injuring plaintiff's shoulder. (Plaintiff's Dep., 116:17-24)

6. When this occurred, plaintiff glanced behind him and saw four additional officers behind him. Plaintiff's Dep., 119:22-120:9).
7. Plaintiff was only aware of a strong force pushing him up against the cell wall. (Plaintiff's Dep, 121:23-122:10)
8. Plaintiff was unable to identify more than a single pair of hands pushing him. (Plaintiff's Dep., 121:23-122:10)
9. Following this incident, plaintiff was then put back in a cell. Plaintiff's Dep. 122:19-22)
10. Plaintiff remained in the cell until an ambulance was called for him at approximately 7:30 a.m. (Plaintiff's Dep., 128:20-22; EMS Call Report).
11. He was diagnosed with a shoulder injury. (Plaintiff's Dep., 134:21-135:4)

Dated: New York, New York
October 7, 2016

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/s/ Elissa Jacobs

By: _____
Elissa B. Jacobs
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